

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -FEBRUARY 6, 2007- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:44 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,  
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

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Mayor Johnson called a recess at 7:44 p.m. to hold the Alameda Public Improvement Corporation meeting and reconvened the Regular City Council meeting at 7:46 p.m.

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AGENDA CHANGES

(07-046) Mayor Johnson announced that the consideration of Appeal [paragraph no. 07-058] would be continued to the March 6, 2007 City Council meeting at the request of the Appellant.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(07-047) Proclamation declaring the period of January 30, 2007 to April 4, 2007 as A Season for Nonviolence. **Continued to February 20, 2007.**

CONSENT CALENDAR

Mayor Johnson announced that the Recommendation to adopt Specifications [paragraph no. 07-050], Introduction of Ordinance [paragraph no. 07-055], and Final Passage of Ordinances [paragraph no. 07-056] were removed from the Consent Calendar for discussion.

Vice Mayor Tam moved approval of the remainder of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*07-048) Minutes of the Special and Regular City Council Meetings held on January 16, 2007. Approved.

(\*07-049) Ratified bills in the amount of \$5,622,716.97.

(07-0050) Recommendation to adopt Specifications and authorize Call for Bids for three marked police vehicles.

The Police Chief gave a brief presentation.

Councilmember Matarrese stated he requested that the item be pulled because the City has a vehicle selection policy that starts with electric vehicles and continues with availability and practicality of vehicle use; the staff report notes that an alternative fuel vehicle does not meet the Police Department's needs; compressed natural gas was the alternative fuel for a Crown Victoria, but the alternative fuel cars are no longer in production.

The Police Chief stated compressed natural gas is not available as a standard item with Ford Motor Company or any other company making a police vehicle; there are design issues in terms of idling for long periods of time and limited trunk space; ample trunk space is needed for equipment.

Councilmember Matarrese requested that future staff reports include steps taken to evaluate that the recommended vehicle is the most practical solution.

Mayor Johnson inquired whether the three vehicles are the only vehicles being replaced this year, to which the Police Chief responded in the affirmative.

Mayor Johnson inquired whether the three vehicles reached the mileage point for replacement.

The Police Chief responded the three vehicles are in excess of 95,000 miles.

The City Manager stated three police motorcycles would be replaced at a later date.

Councilmember Matarrese inquired whether the three motorcycles would be evaluated the same way in terms fuel efficiency.

The Police Chief responded the motorcycles have the same issues as the police vehicles.

Councilmember deHaan inquired whether the Crown Victoria is still being produced.

The Police Chief responded that Ford Motor Company had reported that 2009 would be the last year that the Crown Victoria would be produced; stated Ford Motor Company reconsidered the matter and plans to continue production.

Councilmember deHaan inquired whether Ford Motor Company was looking at alternative fuel sources; stated taxicabs using natural

gas have factory-type installations.

The Police Chief responded technology will continue to advance in the next few years; stated alternative fuel sources would be monitored at trade shows.

Mayor Johnson inquired whether the meter enforcement vehicles are gas or electric, to which the Police Chief responded electric.

Councilmember Matarrese stated more creativity is needed as the City replaces fleet vehicles; the Crown Victoria was the standard at a time when gas was cheap; police departments around the world use smaller, more fuel-efficient cars.

Vice Mayor Tam moved approval of the staff recommendation with the notation that staff evaluated potential alternative fuel source vehicles.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(\*07-051) Recommendation to authorize the Fire Chief to enter into a Memorandum of Agreement with the City of Oakland to participate in the California Task Force #4 Urban Search and Rescue Team. Accepted.

(\*07-052) Resolution No. 14065, "Appointing an Engineer and an Attorney for Island City Landscaping and Lighting District 84-2." Adopted.

(\*07-053) Resolution No. 14066, "Appointing an Engineer and an Attorney for Maintenance Assessment District 01-1 (Marina Cove)." Adopted.

(\*07-054) Resolution No. 14067, "Approving Revised Memorandum of Understanding Between the Alameda City Employees Association and the City of Alameda for the Period Commencing July 1, 2006 and Ending June 30, 2009." Adopted.

(07-055) Introduction of Ordinance to Repeal the Existing Time Limit for Incurring Debt in the Business and Waterfront Improvement Project. Introduced.

Mayor Johnson opened the public portion of the hearing.

David Kirwin, Alameda, urged Council to give the community a choice on whether or not to use bonds.

Robb Ratto, Park Street Business Association, urged approval of the staff recommendation.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

The Base Reuse and Community Development Manager provided a brief explanation of redevelopment and tax increment.

Mayor Johnson inquired whether the City keeps 21% of the assessed tax, to which the City Manager responded the City keeps 27%.

The Base Reuse and Community Development Manager stated the tax base is frozen when a redevelopment area is established; taxes are distributed in the same way as though there was no project area; tax increment accrues to the redevelopment agency as property values increase; the City captures a minimal increase through a standard pass-through agreement; taxes are not raised by virtue of bonds being issued.

Councilmember Matarrese stated the proposed ordinance takes away the limitation of issuing new bonds after 2011; requested an explanation on the advantages and disadvantages.

The Base Reuse and Community Development Manager responded forty years is the typical lifespan for a redevelopment agency; stated a number of redevelopment project areas were adopted prior to 1994; local jurisdictions adopted time limits for issuing debt; bonds were issued up to a certain time, after which the ability to issue debt went away because that is what the City preferred.

Councilmember Matarrese inquired how 2011 was established.

The Base Reuse and Community Development Manager responded she did not know; stated the project area was pre-1994; the West End Community Improvement Project (WECIP) does not have the same requirements; the Alameda Business Improvement Area has the ability to issue debt through the life of the project area; efforts are being made to bring BWIP into conformity with the other two project areas.

Councilmember deHaan inquired why the issue was not addressed in 2003.

The Base Reuse and Community Development Manager responded staff was dealing with the [WECIP] project area where time limits were expiring; stated 2011 seemed far away; there was time to address the BWIP time limits.

Councilmember deHaan inquired whether consideration was given to impacts on other taxing entities; further inquired whether the School District would be impacted.

The Base Reuse and Community Development Manager responded all entities have pass-through agreements; stated AB 1290 sets pass-throughs statutorily; the School District receives some portion of the proceeds; the City provided assistance with the Ruby Bridges Elementary School and joint use park; the School District benefits.

Councilmember deHaan stated money would not be going to other taxing entities after 35 years; some money goes to the County.

The Base Reuse and Community Development Manager stated every taxing entity reaps the benefits of increased property values when the project area goes away.

Councilmember deHaan stated the clock would start over again by merging with another development area.

The Base Reuse and Community Development Manager stated she was not sure whether the clock would start over by merging with another project.

Councilmember Matarrese inquired whether the BWIP final date is 2025.

The Base Reuse and Community Development Manager responded she is not sure whether the final date extends another twenty years passed 2011.

Councilmember Matarrese inquired whether the ability to pay back bonds out of proceeds would be compromised by being close to the end of the redevelopment area time limit.

The Base Reuse and Community Development Manager responded in the negative; stated outstanding debt can be serviced with the collection of sufficient increments at the end of the project time limit.

Councilmember Matarrese inquired why timing is not being set; stated the City would have ten years to pay the bond back if the bond was issued on the last day.

The Base Reuse and Community Development Manager responded the limits are set automatically by statute; stated tax increments can be collected for another ten years after the project area expires.

Councilmember Matarrese inquired whether ten years is sufficient, to which the Base Reuse and Community Development Manager responded in the affirmative.

Mayor Johnson inquired whether tax increment can be collected after the redevelopment period ends.

The Base Reuse and Community Development Manager responded only the amount of any outstanding debt owed.

Mayor Johnson stated the tax increment is a benefit to the City; the City keeps the money instead of sending the money to the State or other jurisdictions.

Councilmember Matarrese inquired whether a statutory control prevents the City from over bonding.

The City Attorney responded in the affirmative; stated the City would not be able to issue a bond without the capacity to repay the bond within the legal time limits.

Councilmember deHaan inquired whether bond issuance could go to the ballot.

The Base Reuse and Community Development Manager responded the proposed ordinance does not have an impact on Council's decision to put bonds before the people for a vote.

Councilmember Matarrese moved introduction of the ordinance.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5.

(07-056) Ordinance No. 2961, "Reclassifying and Rezoning Property Located Adjacent to the Oakland Estuary and Grand Street from M-2, General Industrial (Manufacturing) District to MX, Mixed Use Planned Development District (MX)." Finally passed; and

(07-056A) Ordinance No. 2962, "Approving Master Plan MP05-01 for a Mixed Use Development Including Single-Family Residential, Recreational Marina, Maritime Commercial, and Open Space Uses, Located Within a Project Area Encompassing Approximately 8.36 Acres of Land and Water at the Intersection of Grand Street and the Oakland Estuary." Finally passed.

Vice Mayor Tam stated that she would abstain from voting on the matter.

Councilmember Matarrese moved final passage of the ordinances.

Councilmember deHaan seconded the motion, which carried by the following voice vote: Ayes: Councilmembers deHaan, Gilmore, Matarrese, and Mayor Johnson - 4. Abstentions: Vice Mayor Tam - 1.

#### REGULAR AGENDA ITEMS

(07-057) Public Hearing on Housing and Community Development needs for Community Development Block Grant Annual Plan.

The Base Reuse and Community Development Manager gave a brief Power Point presentation.

Mayor Johnson stated she would like to know more about the East Bay Community Mediation (EBCM) services.

The Community Development Program Manager stated training services are provided; staffing is on a volunteer basis; volunteers are certified through a 40-hour training program.

Mayor Johnson inquired whether volunteers are required to provide mediation services.

The Community Development Program Manager responded in the negative; stated experience has shown that volunteers have a personal commitment to provide mediation services.

Mayor Johnson inquired whether other cities use EBCM.

The Community Development Program Manager responded in the affirmative; stated funding would be one-time.

Mayor Johnson inquired whether the Teen Center would qualify for Community Development Block Grant (CDBG) funds.

The Community Development Program Manager responded the West End Teen Center is funded through the Boys and Girls Club.

Mayor Johnson stated she was referencing the Teen Club in the Elk's Lodge basement; the Teen Center needs improvement.

The Base Reuse and Community Development Manager stated funds are for public services, not physical improvements; staff can research the matter and bring it back to Council in April.

Mayor Johnson inquired whether tonight's discussion was for the

balance of Fiscal Year 2006-2007.

The Base Reuse and Community Development Manager responded tonight's hearing was for Fiscal Year 2007-2008.

Mayor Johnson inquired whether Council is being requested to approve funding for the listed public services, to which the Base Reuse and Community Development Manager responded in the negative.

Mayor Johnson stated she would like to do something for the Teen Center.

The Base Reuse and Community Development Manager stated information would be provided to Council in April.

Councilmember deHaan inquired whether \$15,000 could be better spent on existing public services.

The Base Reuse and Community Development Manager stated some other public services were augmented, such as BANANAS, Inc. and the Red Cross.

The Base Reuse and Community Development Manager continued with the Power Point presentation.

Mayor Johnson opened the public portion of the hearing.

Cyndy Wasko, Social Service Human Relations Board (SSHRB) President, commented on the SSHRB's recommended service needs and funding allocation.

Priscilla Kindley, Alameda, spoke about the difficulty that low-income families face in securing affordable housing in Alameda.

Mayor Johnson suggested that Ms. Kindley follow up with the Assistant City Manager.

Noel W. Folsom, Homeless Network Chair, urged Council to follow the SSHRB's recommendations.

The Assistant City Manager stated the federal government has cut back on Section 8 housing; Alameda has fewer vouchers than the demand.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

(07-058) Consideration of an Appeal of the Transportation



Commission's decision to install new bus stops on Otis Drive at Pond Isle, and authorization to install new bus stops at Otis Drive and Sandcreek Way, and Otis Drive and Willow Street. **Continued to March 6, 2007.**

(07-059) Recommendation to accept comprehensive Sidewalk Repair Program and adopt Plans and Specifications and authorize Call for Bids for the Fiscal Year 2006-2007 repair of Portland Cement Concrete sidewalk, curb, gutter, driveway and minor street patching, No. P.W. 08-06-18.

The Associate Civil Engineer provided a Power Point Presentation.

Mayor Johnson inquired who filled in the areas around the Shoreline Drive trees with concrete, to which the Associate Civil Engineer responded that he was not sure.

Mayor Johnson suggested looking into an ordinance that would prevent homeowners from filling in the area around trees.

The Associate Civil Engineer stated staff would look into the matter.

Vice Mayor Tam inquired whether staff is proactively encouraging homeowners to use drought tolerant plants; further inquired whether drought tolerate trees are being considered for the Master Tree Plan.

The Associate Civil Engineer responded information could be provided to homeowners through the City's website or leaflets.

Vice Mayor Tam stated an ordinance would be better.

Councilmember deHaan stated the Bayport planting strips are very small; trees are very aggressive; sidewalks are being replaced every five to ten years; inquired whether repair would be less often if the staff recommendations are followed.

The Associate Civil Engineer responded repair should be less often; stated branch trimming has not been done in the last few years but would be incorporated into the Master Tree Plan.

Councilmember deHaan stated many deteriorated sidewalks are not the result of tree issues; inquired whether the matter has been reviewed.

The Associate Civil Engineer responded concrete will deteriorate in eighty years; stated the homeowner is responsible for repairing the

sidewalk if the City is not responsible for the damage; letters are sent to homeowners requesting that the sidewalk be repaired.

Mayor Johnson inquired whether the City could provide homeowners with the name of a sidewalk repair contractor.

The Associate Civil Engineer responded homeowners are provided with the name of the City's Contractor in order to get a better rate.

The Public Works Director stated homeowners are provided with the name of the City's Contractor; the cost would be twice as much as the bid price if the City did the work through the Contractor; mobilization and demobilization costs are higher for smaller areas.

Mayor Johnson inquired whether homeowners could get a better price by getting a bid through the City's Contractor, to which the Public Works Director responded in the affirmative.

Councilmember deHaan inquired whether the permit fee could be waived by using the City's Contractor; stated the permit fee is \$80 to \$90.

The Public Works Director responded permit fees are waived for the first 25 linear feet of sidewalk replacement.

Mayor Johnson suggested putting the City's sidewalk repair Contractor contact information on the City's website.

Councilmember Gilmore thanked staff for a very detailed report; inquired whether residents are provided with care and feeding information when trees are planted; stated most homeowners do not know the consequences of improper watering.

The Public Works Director stated young trees need deep watering in the first three to five years.

Councilmember Gilmore stated the first step is educating the public.

The Public Works Director stated a PVC sleeve would be used with all new sidewalk replacements.

Mayor Johnson stated money would be saved in the long run if proper steps are taken; money is saved when tree pruning is eliminated, but costs are incurred when sidewalk, streets, and gutters are damaged.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of staff recommendation): Dave Needle, Fernside Homeowners Association; Jon Spangler, Alameda; Ron Bishop, Oakland (submitted handout); Rob Ratto, PSBA; Michael J. Torrey, Alameda; Christopher Buckley, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson thanked Mr. Buckley for his personal interest in City trees.

Councilmember Matarrese applauded staff for the presentation; stated he likes the approach given to signature trees; inquired whether the scope would be for City trees in general, not just street trees.

The City Engineer responded the plan is to look at trees that fit within the neighborhood; stated the focus is on the landscape strip.

Councilmember Matarrese stated people are excited about sidewalk repair; the staff recommendation is solid; he likes the idea of updating the Master Tree Plan; stated a different tree was planted on Gibbons Drive.

Mayor Johnson inquired whether attention would be given to planting the same type tree on major streets; stated the replanted Gibbons Drive tree is different.

The City Engineer responded a Red Oak was planted on Gibbons Drive; stated Liquid Ambers require a wider base; a larger base would require encroaching on private property; the Red Oak is similar to Liquid Ambers.

Mayor Johnson stated major street trees should be consistent; Palm Streets should be replanted on Eighth Street and Burbank Avenue; suggested looking at the Eucalyptus tree on Encinal Avenue between Fernside Boulevard and High Street; stated houses would be damaged if the tree fell; requested that staff take a look at the tree to ensure sturdiness.

Councilmember Matarrese stated the Climate Protection Campaign Task Force should review the Master Tree Plan; biomass should be increased; the cost is worth the price; payback is not only in looks but also in sequestering carbon dioxide.

Councilmember deHaan stated Sycamore Trees do not displace

concrete; many trees are missing throughout the City; infill needs to be aggressive.

Mayor Johnson stated cement needs to be removed from the areas around the Shoreline Drive trees; an ordinance might be necessary to deal with the problem.

Councilmember Matarrese moved approval of staff recommendation.

Mayor Johnson stated the motion should include that the Master Tree Plan come back to Council.

Councilmember Matarrese amended his motion to include that the Master Tree Plan return to Council.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

(07-060) Eugenie Young, Alameda, submitted handout; discussed bringing a cruise port to Alameda Point.

(07-061) Art Javier, Alameda, expressed his support for a cruise port at Alameda Point.

Mayor Johnson stated the Development Services Department is looking into the matter.

(07-062) Deborah James, Alameda, stated existing bus routes need to be serviced; AC Transit does not respond to complaints. Mayor Johnson stated AC Transit representatives attend some of the Transportation Commission meetings.

Councilmember Gilmore stated Elsa Ortiz is the City's AC Transit representative; suggested that Ms. James contact Ms. Ortiz.

Ms. James noted Ruth Herch passed away in September; Ms. Herch helped the Harbor Island Apartment residents through difficult times.

(07-063) Bill Smith, Alameda, discussed cruise ships.

#### COUNCIL COMMUNICATIONS

(07-064) Selection of Councilmember and alternate to serve as the League of California Cities East Bay Division representative.

Mayor Johnson stated Vice Mayor Tam and Councilmember deHaan

expressed interest in serving as the League's representative.

Councilmember Gilmore stated currently Vice Mayor Tam is serving a Presidential appointment on a sub-committee; it would most efficient if she was also the City's representative to the California League of Cities.

Councilmember Gilmore moved approval of Vice Mayor Tam serving as the League's representative.

Mayor Johnson stated that Councilmember deHaan could serve as the alternate.

Councilmember Matarrese moved approval of Councilmember deHaan serving as the League's alternate.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5.

Mayor Johnson stated that the job is huge; suggested that Vice Mayor Tam and Councilmember deHaan work together to cover more ground.

Vice Mayor Tam stated she is in support of dividing the responsibilities for representing the City; Councilmember deHaan could attend the East Bay Division meetings; she will try to work on regional issues.

(07-065) Consideration of Mayor's nomination for appointment to the Housing Commission.

Mayor Johnson nominated Walter Schlueter for appointment to the Housing Commission.

(07-066) Councilmember deHaan stated Alameda's deep water port is an asset; the matter was previously reviewed and there was no interest in cruise ships coming to the former Naval Air Station; he continues to endorse reviewing cruise ship port options at Alameda Point; Pier 3 should be considered.

(07-067) Councilmember deHaan requested that the City Manager share thoughts expressed at the Joint City Council and Golf Commission meeting.

The City Manager stated an operations review would be conducted; Request for Proposals (RFP) will be initiated similar to the RFP conducted for the telecom division of Alameda Power and Telecom (AP&T).

(07-068) Councilmember deHaan stated Council discussed setting aside \$20,000 to \$30,000 to review a salt water pump station; Alameda's housing stock would be vulnerable in an earthquake; a feasibility study should be conducted.

Mayor Johnson inquired whether the City of Berkeley conducted a feasibility study; stated the Fire Department has not provided Council with sufficient information; Alameda could use the City of Berkeley's information if a study was conducted; she would like the Fire Department to provide information on whether or not the system is feasible.

Councilmember deHaan stated the information could be weaved into the Disaster Plan.

The City Manager stated staff is in the process of developing the Disaster Mitigation Plan; staff will provide a report on what other cities are doing.

Mayor Johnson stated San Francisco is charged with developing an Emergency Response Plan; requested that staff investigate whether Alameda has a representative attending the meetings.

(07-069) Councilmember deHaan stated Alameda was established as an electric City in the late 1990's; requested the program be reviewed and reinstated.

(07-070) Mayor Johnson stated she attended the Annual Mayor's Conference in Washington, D.C. during the week of January 23; Community Development Block Grant/Section 8 cuts are always a threat but are usually reinstated; interest in alternative power sources, greenhouse gases, and global warming has increased; the Mayor's Conference does a lot to advocate for cities.

#### ADJOURNMENT

(07-071) There being no further business, Mayor Johnson adjourned the meeting at 10:07 p.m. in a moment of silence for Ruth Herch.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -FEBRUARY 6, 2007- -7:00 p.m.

Mayor Johnson convened the Special Meeting at 7:10 p.m.

Roll Call - Present: Councilmembers deHaan, Gilmore,  
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(07-045) Conference with Labor Negotiators; Agency Negotiators:  
Craig Jory and Human Resources Director; Employee Organizations:  
Alameda City Employees Association and Police Association Non-  
Sworn.

Following the Closed Session, the Special Meeting was reconvened  
and Mayor Johnson announced that Council received a briefing from  
its Labor Negotiators; no action was taken.

Adjournment

There being no further business, Mayor Johnson adjourned the  
Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown  
Act.